



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

Budget Submission

Fiscal Years
2012/13 - 2014/15

Presented to:

The Select Standing Committee on Finance and Government
Services
Legislative Assembly of British Columbia

November 17, 2011

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Overview

This is the budget submission of the Office of the Information and Privacy Commissioner ("OIPC") and the Office of the Registrar of Lobbyists ("ORL") for fiscal years 2012/13 through to 2014/15 inclusive. This budget submission supports the attached OIPC and ORL Service Plan for the same three-year period.

In the budget submission, the Information and Privacy Commissioner and the Registrar of Lobbyists requests, for fiscal year 2012/13, a combined operating budget of \$5,396,000 and, for planning purposes, combined operating budgets for fiscal years 2013/14 and 2014/15 of \$5,528,000 and \$5,557,000 respectively. No change in the capital budget of \$45,000 is requested for fiscal 2012/13.

Mandate

The OIPC and the ORL are the independent oversight agencies responsible for monitoring and enforcing compliance with three statutes, the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), the *Personal Information Protection Act* ("PIPA") and the *Lobbyists Registration Act* ("LRA"). The person who is the Commissioner under FIPPA and PIPA is also the Registrar under the LRA.

Under FIPPA, the OIPC enforces freedom of information and protection of privacy compliance by more than 2,900 public bodies including, amongst others, ministries, Crown corporations, health authorities, municipalities, self-governing professions, universities and school districts. In discharging its mandate, the OIPC investigates and mediates access appeals and privacy complaints, conducts formal hearings and issues binding orders, comments on the access and privacy implications of proposed legislation, programs, policies and technologies, and educates the public about their access and privacy rights and public bodies about their legal obligations.

The work of the OIPC is critical to ensuring that decisions and actions of public bodies remain open and accountable.

PIPA sets the rules by which private sector organizations, including businesses, labour organizations, interest groups and non-profits must follow in the collection, use and disclosure of customer, client and employee personal information. Under PIPA, the OIPC's duties and functions are similar to those under FIPPA—enforcing compliance by an estimated 300,000 private sector organizations in British Columbia.

The OIPC investigates complaints, adjudicates disputes and educates and informs the public about their private sector privacy rights, and organizations about their privacy responsibilities.

The LRA requires those who communicate with public office holders for payment in an attempt to influence any number of outcomes to register as lobbyists and provide information to the Registrar about those activities. The Registrar is responsible for making all of that information publicly available and does so through the maintenance of a web-based searchable registry. Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar is tasked with enforcing compliance and does so through an interrelated mix of strategies including education, verification, conducting compliance investigations and levying administrative penalties of up to \$25,000.

Priorities for fiscal year 2012/13

Bill 3, the *Freedom of Information and Protection of Privacy Amendment Act, 2011* that was introduced in the house on October 4, 2011 creates a significant new mandate for the office. The new oversight responsibilities in the Act are unique in Canada.

Included in that mandate are four new areas of responsibility including:

- Review and comment on privacy impact assessments respecting all common or integrated programs or activities or data-linking initiatives (s. 69(5.2) of FIPPA) initiated by a public body or local public body;
- Provide expert advice on the development of an information-sharing code of practice (new s. 69(9) of FIPPA);
- Provide expert advice on the development of regulations relating to collection of personal information based on consent (s. 76(2.1)(a) of FIPPA); and,
- Provide expert advice on the development of regulations respecting how data-linking initiatives must be carried out (s. 76(2.1)(b) of FIPPA).

It is difficult to accurately assess the amount of work that will be required to fulfill this new mandate. Based on our own experiences and that of other jurisdictions we have predicted the costs associated with this new mandate to be \$453,000 per year based on a phased hiring of 5 new staff. The new work will be significant and the office does not currently have the resources to fulfill any part of this new mandate.

Last year we were very successful in tackling our backlog (reduced by 44%) using a variety of strategies including reassigning and realigning existing resources. We plan to continue with this strategy in the next year.

Therefore, I have two main priorities for the next fiscal year:

1. Implement my new mandate as set out in Bill 3, and
2. Continue the work of making the OIPC an agile and responsive organization.

With respect to my duties as the Registrar of Lobbyists, my office has focused on its compliance strategies and I am satisfied that we can continue to make progress in this area within the current budget.

1. Implement Bill 3 Responsibilities

Bill 3 granted a significant new mandate to the Commissioner's office.

Bill 3 enables public bodies to share data for the purposes of delivering, planning or evaluating a "common or integrated program or activity" or for data linking. Participants in such a program or activity include public bodies and agencies within BC as well as public bodies in other provinces or that are federally regulated. The ability of BC public bodies to share citizens' information is now greater than in any other Canadian jurisdiction. However, the increased authorities to share and link personal data is balanced in the law with significant new oversight authority for the Commissioner's Office.

I supported the government's package of new authorities on the basis of increased transparency and oversight to ensure that the personal information of British Columbians was protected.

This office will receive advance notice of common or integrated programs and of data-linking initiatives. We will also receive mandatory privacy impact assessments for our review and comment. This will be an ongoing responsibility intended to protect the privacy of the citizens of British Columbia who receive services from programs or activities that involve many employees and contracted service providers across multiple sectors, including health, justice and social services. Analysis of the privacy risks and mitigation strategies for very large and complex shared databases will require a significant expenditure of time and staff resources. The security analysis will require specialized IT expertise.

Another new oversight responsibility of this office is a legally recognized role in the development of regulations with respect to data linking and an information sharing code of practice. To my knowledge there are no precedents for these in Canada although there are examples internationally that can serve as a starting point. It is anticipated that this work will require in-depth research and policy analysis as well as consultations with the public and with stakeholders. This work is groundbreaking and is extremely important to protect the privacy of British Columbians in data-linking initiatives of public bodies and in data sharing more generally.

Data linking regulations, by their very nature, will be complex and technical. They will require the involvement of both privacy and security specialists. In addition, the information sharing code of practice will be used by my office as a baseline in our audits and investigations. For that reason, it is more than a guidance document. My expectation is that it will be specific in terms of requirements for how data sharing should be conducted within the public sector in British Columbia. I will be using these key pieces of privacy rules to educate the public about how their privacy is protected in the innovative new world of Gov 2.0.

I anticipate that the implementation of my new mandate will occur in two phases. In the start-up phase, the office will develop and issue privacy impact assessment guidance because there is no privacy impact assessment template currently in existence in British Columbia or elsewhere in Canada to adequately assess the impacts of data-linking and data sharing initiatives or of common or integrated programs or activities. In addition, the evaluation of these extremely complex and often technically challenging initiatives is very time consuming. Our plan is to develop guidance and training materials for government for the next six months while public bodies are developing their plans and privacy impact assessments. We plan to work collaboratively with government to assist public bodies in building privacy into their project design from the start.

Also during the start up phase, the office will be participating in the development of regulations and in the development of the information sharing code of practice. Much of this work will be unique in Canada and my office will serve as one important source of expertise that government will rely on to develop meaningful privacy protections.

In the second phase, I anticipate that my office will begin to receive and review extremely complex and technical privacy impact assessments by April 1, 2012. We are aware of many large projects currently under development such as integrated case management, CareCard, provincial identity information management and the proliferation of electronic health records.

It is very significant that the Bill 3 rules relating to data sharing and data linking do not apply to the health sector. It is extremely important that work begin immediately to develop rules that meet the unique needs within the sector. We intend to engage in consultations with the Ministry of Health on data-linking rules specific to the health sector, to monitor the provincial electronic health record project and to audit an electronic health record information system.

Both the Deputy Minister of Labour, Citizens' Services and Open Government and the Deputy Minister of Health have formally committed to discuss with my office the establishment of data-linking rules appropriate for the health sector. Minister MacDiarmid wrote to me on October 19, 2011 indicating her support for these efforts.

We have estimated a total cost to implement this new mandate as \$453,000 this year and a further \$107,000 next year based on the need for 3 new policy and technology analysts at the beginning of April, 2012 and 2 further analysts later in the year. We attribute the \$453,000 to new staff costs. I expect to hire the expertise I need at the time I need it either through full time positions or using temporary contractors depending on the task. Depending on the volume and complexity of the PIAs reviewed we may need to request further resources next year. I prefer to make this initial modest request for funding, while I continue to monitor what workload develops and the subsequent need for further resources that may be required.

Without new resources, we will not be able to deliver on our new mandate. The legislation was passed on the assumption that there would be robust oversight and review before these new systems were implemented. Without new resources, I cannot assure British Columbians that privacy controls are designed into data sharing initiatives. An investment in due diligence and oversight is critical to retain citizen trust and mitigate the increased risk to government bodies as they build e-government solutions.

2. OIPC as an Agile, Responsive Organization

Last year we adopted a strategy of re-aligning and re-assigning resources as necessary to address workload issues. This strategy was extremely effective in reducing the backlog from 180 files to 100 files. I plan to continue to use a flexible and agile service delivery model to support all of our goals and strategies.

One of the limitations on the existing budget is that \$300,000 is dedicated to the costs of litigation. If the funds are not used, they must be returned to the Consolidated Revenue Fund. Last year we returned \$82,000 to the Consolidated Revenue Fund. This year, barring any new hearing dates, we anticipate returning approximately \$150,000. I request that the Committee release the \$300,000 dedicated fund so that if

there is any funding left after paying all litigation related costs, I have the flexibility to use that money to devote to other projects and responsibilities. Because hearing dates are generally set between four and eight months in advance, I will know by November how much money will be left in this fund and can then plan how to expend any outstanding amount. I anticipate dedicating any additional funding to educational projects such as one-day training sessions or guidance material because these projects can be organized quickly, can be delivered either by staff or contractors and require one-time expenditures for materials and/or venue related expenses.

Building occupancy and amortization of shared premises

I have requested a \$37,000 increase in operating costs associated with the building. Operating costs include such things as hydro for shared space, insurance, janitorial services, general repair, property taxes, water and management fees. These costs are calculated annually and tend to increase over time. Our base rent has remained stable.

November 17, 2011

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

Statement of Operations

Previous and Current Fiscal Years

	Fiscal 2010/11 (previous year)		Fiscal 2011/12 (current year)
	Budget	Actual Expenditure	Budget
Funding			
Voted Appropriation	4,470,000	4,276,435	4,906,000
Total	4,470,000	4,276,435	4,906,000
Expenses			
Salaries	2,572,000	2,419,122	2,592,000
Employee Benefits	542,000	540,598	547,000
Travel	67,000	66,247	67,000
Centralized Management Support Services	0	0	0
Professional Services	600,000	618,284	750,000
Information Systems	97,000	79,402	97,000
Office and Business Expenses	113,000	100,237	113,000
Information, Advertising & Publications	25,000	0	25,000
Statutory Advertising & Publications	20,000	14,854	20,000
Utilities, Materials and Supplies	16,000	10,805	16,000
Operating Equipment & Vehicles	0	4,589	12,000
Amortization	92,000	59,702	157,000
Building Occupancy	331,000	362,595	515,000
Internal Recoveries	(3,000)	0	(3,000)
Recoveries - Other	(1,000)	0	(1,000)
Recoveries - External	(1,000)	0	(1,000)
Total Expenses	4,470,000	4,276,435	4,906,000
Capital Budget			
Info. Systems, & Furniture & Equipment	15,000	14,689	45,000
Tenant Improvements	559,000	552,302	0
Total Capital	574,000	566,991	45,000

Proposed Budget by Standard Object of Expenditure (STOB)

		Fiscal 2011/12 (current) Budget	Fiscal 2012/13 (Proposed) Estimates	Change	Fiscal 2013/14 Planned	Fiscal 2014/15 Planned
STOB	Expense Type					
50	Salaries	2,327,000	2,708,000 ¹	381,000	2,797,000	2,797,000
51	Supplemental Salary	6,000	6,000	0	6,000	6,000
52	Employee Benefits	547,000	619,000 ¹	72,000	637,000	637,000
54	Officer of the Legislature Salary	259,000	259,000 ²	0	259,000	259,000
57	Travel	67,000	67,000	0	67,000	67,000
59	Centralized Mgmt Support Services	0	0	0	0	0
60	Professional Services	750,000	750,000 ³	0	750,000	750,000
63	Information Systems	97,000	97,000	0	97,000	97,000
65	Office and Business Expenses	113,000	113,000 ⁴	0	113,000	113,000
67	Info., Advertising and Publications	25,000	25,000 ⁵	0	25,000	25,000
68	Statutory Advertising & Publications	20,000	20,000 ⁶	0	20,000	20,000
69	Utilities, Materials and Supplies	16,000	16,000 ⁷	0	16,000	16,000
70	Operating Equipment, Vehicles	12,000	12,000	0	12,000	12,000
73	Amortization Expense	157,000	157,000 ⁸	0	157,000	157,000
75	Building Occupancy	515,000	552,000 ⁹	37,000	577,000	606,000
88	Recoveries	(3,000)	(3,000)	0	(3,000)	(3,000)
89	Recoveries	(1,000)	(1,000)	0	(1,000)	(1,000)
90	Recoveries	(1,000)	(1,000)	0	(1,000)	(1,000)
	Total	4,906,000	5,396,000	490,000	5,528,000	5,557,000
Capital Budget						
	Info. Systems, Furniture & Equip.	45,000	45,000 ¹⁰	0	45,000	45,000
	Total	45,000	45,000	0	45,000	45,000

Notes:

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits)—includes salaries for four new positions in fiscal 2012/13 to implement recent changes to the *Freedom of Information and Protection of Privacy Act* as well as the Office's portion of Shared Services costs.
2. STOB 54 (Officer of the Legislature Salary)—The salary for the Information and Privacy Commissioner is set, by statute, as equal to the salary of the Chief Judge of the Provincial Court.
3. STOB 60 (Professional Services)—includes funding for professional service contracts and specialized contracts to conduct information and privacy investigations and audits; contracts to support compliance functions under the Office of the Registrar of Lobbyists; and funding for judicial review proceedings brought against the Office of the Information and Privacy Commissioner. Subject to any new direction from the Committee, any dedicated funds for judicial reviews that are not expended during the Fiscal Year will be returned to the Consolidated Revenue Fund.
4. STOB 65 (Office & Business Expenses)—Includes costs for office stationary and supplies, offsite file storage, postal and courier charges, printing expenses (other than reports), newspaper subscriptions, staff training, photocopier leases, and business meeting expenses.
5. STOB 67 (Information, Advertising & Publications)—Includes the costs of printing public reports other than the annual report to the Legislature.
6. STOB 68 (Statutory Advertising & Publications)—Includes costs for preparing and printing the annual report to the Legislature.
7. STOB 69 (Utilities, Materials, & Supplies)—Includes costs for utilities such as cablevision and recycling, books, and supplies.
8. STOB 73 (Amortization)—This is the cost of repaying Capital budget expenditures for IT equipment (information systems hardware and software), furniture and tenant improvements. Expenditures for tenant improvements and furniture are amortized on a monthly basis over five years, whereas IT expenditures are amortized over three years.
9. STOB 75 (Building Occupancy)—This is the Office of the Information and Privacy Commissioner's share of the consolidated office space for the OIPC and three other independent offices at 947 Fort Street.
10. CAPITAL BUDGET— is for the purchase of IT equipment and furniture, and is consistent with the Capital budget in fiscal 2011/12. Capital amounts are repaid through amortization in STOB 73.

Fiscal 2012/13 Budget Request for the Office of the Information & Privacy Commissioner and the Office of the Registrar of Lobbyists

STOB	Information & Privacy			Lobbyists Registration			Total		
	Fiscal 2011/12 Budget (Current Year)	Fiscal 2012/13 Budget Request	Change	Fiscal 2011/12 Budget (Current Year)	Fiscal 2012/13 Budget Request	Change	Fiscal 2011/12 Budget (Current Year)	Fiscal 2012/13 Budget Request	Change
50	2,002,000	2,383,000	381,000	325,000	325,000	0	2,327,000	2,708,000	381,000
51	5,000	5,000	0	1,000	1,000	0	6,000	6,000	0
52	469,000	541,000	72,000	78,000	78,000	0	547,000	619,000	72,000
54	259,000	259,000	0	0	0	0	259,000	259,000	0
57	55,000	55,000	0	12,000	12,000	0	67,000	67,000	0
59	0	0	0	0	0	0	0	0	0
60	609,000	609,000	0	141,000	141,000	0	750,000	750,000	0
63	89,000	89,000	0	8,000	8,000	0	97,000	97,000	0
65	96,000	96,000	0	17,000	17,000	0	113,000	113,000	0
67	20,000	20,000	0	5,000	5,000	0	25,000	25,000	0
68	10,000	10,000	0	10,000	10,000	0	20,000	20,000	0
69	13,000	13,000	0	3,000	3,000	0	16,000	16,000	0
70	12,000	12,000	0	0	0	0	12,000	12,000	0
73	157,000	157,000	0	0	0	0	157,000	157,000	0
75	515,000	552,000	37,000	0	0	0	515,000	552,000	37,000
88	(3,000)	(3,000)	0	0	0	0	(3,000)	(3,000)	0
89	(1,000)	(1,000)	0	0	0	0	(1,000)	(1,000)	0
90	(1,000)	(1,000)	0	0	0	0	(1,000)	(1,000)	0
	4,306,000	4,796,000	490,000	600,000	600,000	0	4,906,000	5,396,000	490,000

Proposed Budget

by Business Area

	Current Year	Proposed		
Business Area	Fiscal 2011/12	Fiscal 2012/13	Fiscal 2013/14	Fiscal 2014/15

Operating Expenses (\$000)

Core Services:

- Public Sector Information & Privacy

2,906 3,326 3,446 3,475

- Lobbyists Registration

600 600 600 600

- Private Sector Privacy

1,075 1,075 1,075 1,075

Total Core Services

4,581 5,001 5,121 5,150

Shared Services

325 395 407 407

Total **4,906** **5,396** **5,528** **5,557**

Capital Expenditures (Consolidated Revenue Fund) (\$000)

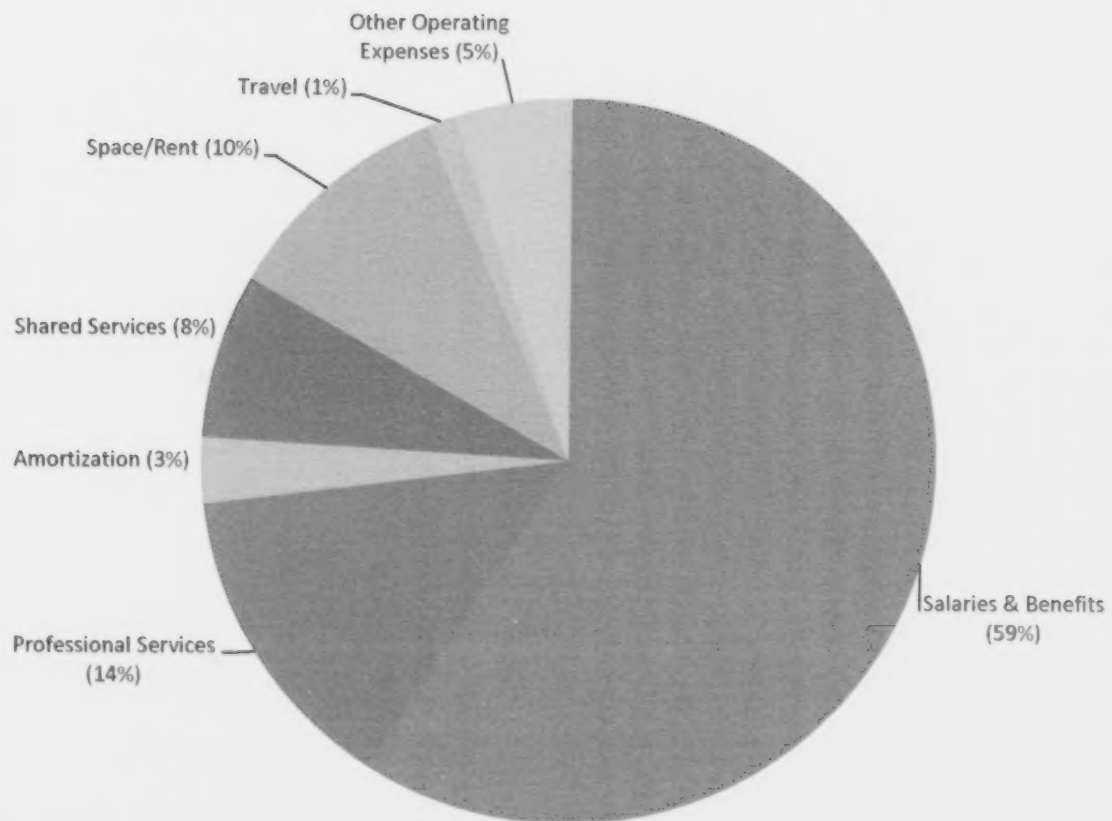
Info. Systems, furniture & equipment

45 45 45 45

Total **45** **45** **45** **45**

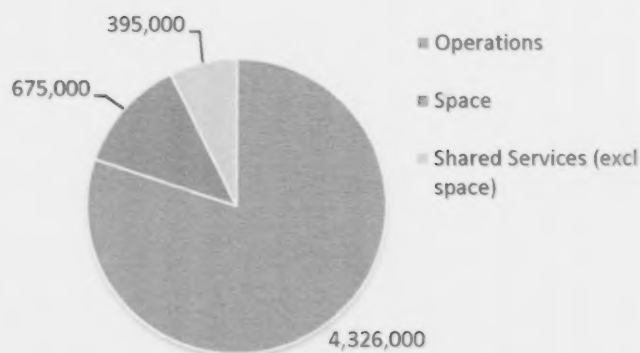
Fiscal 2012/13 Proposed Operating Budget by Expenditure Type

Office of the Information and Privacy Commissioner

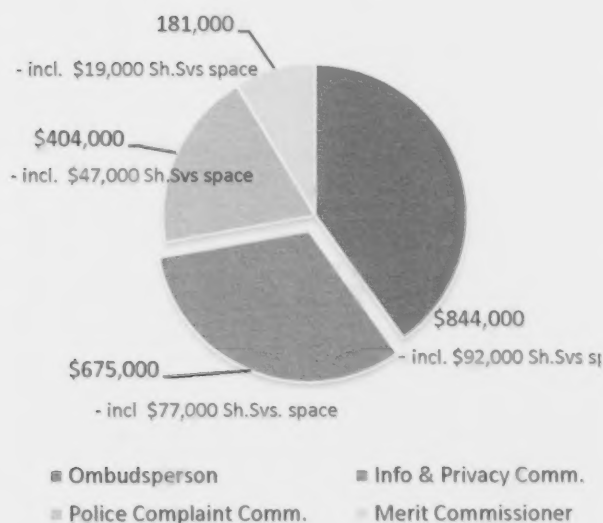


Fiscal 2012/13 Proposed Space and Shared Services Budgets

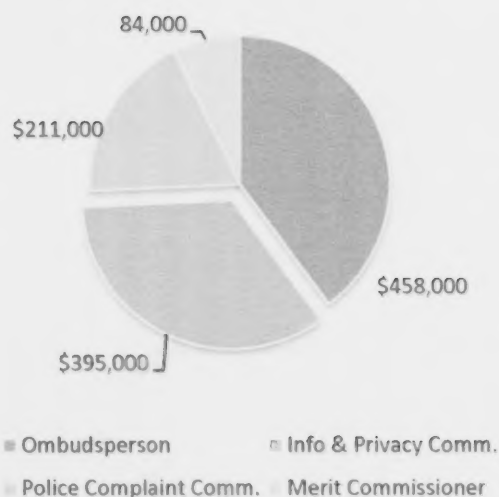
Operating Budget Request
Office of the Information and Privacy
Commissioner
 Total: \$5,396,000



Space Budget, All Offices
 (incl. Amortization of Tenant Improvement Capital Costs)
 Total: \$2,104,000



Shared Services Budget, All Offices
 (excl. Space for Shared Services)
 Total: \$1,148,000





Protecting privacy. Promoting transparency.



Service Plan

Fiscal Years
2013-2015

Presented to:

The Select Standing Committee on Finance and Government
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Legislative Assembly of British Columbia

November 17, 2011

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Service Plan Message from the Information and Privacy Commissioner and the Registrar of Lobbyists

The past year was an extremely busy, productive and successful year for the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Registrar of Lobbyists (ORL). We made significant progress in all six priority areas identified in last year's service plan.

I reorganized the OIPC and successfully established a policy team and hired a senior technical investigator. My office issued a number of key investigation reports and guidance documents including an investigation report on proactive release strategies for all public bodies, an investigation report regarding the security of online gaming and a security self assessment tool for small and medium sized businesses to name a few. We have two further major investigation reports in progress that will be issued in fiscal 2011/2012.

Last year we focused particular attention on delivering public education through speeches and conferences. We provided education sessions to more than 5000 individuals. Most significantly we held specialized training sessions to approximately 150 access professionals within a diversity of local public bodies (municipalities, schools, universities, health authorities and crown corporations). We had excellent feedback and are very encouraged by the results of investing in the people that manage access and privacy rights on a day to day basis. Investing in the administrators helps them do a better job and saves costs on appeals to our office.

We also organized a highly successful, and sold out, sixth annual private sector privacy conference in Vancouver this fall that was attended by 200 delegates, most of whom were chief privacy officers for small and medium sized businesses.

For many years my office has been challenged with the size of our OIPC caseload. Last fall I reported that I intended to implement a number of new strategies to tackle the backlog of cases and our response times. While the numbers reported here indicate that we did not meet our goals in fiscal 2010/2011, I am very pleased to report that in the first seven months of fiscal 2011/2012 we are on track to **exceed** our timeliness targets. We have, in fact, reduced our backlog from 180 files last November, to less than 100 files this November.

With respect to the goals set for the ORL last year, the Committee provided the ORL with an additional \$50,000 which was used to hire auxiliary policy and compliance staff. For the past six months, they have assisted the Deputy Registrar by conducting 137 environmental scans, 43 which were referred to the Deputy Registrar, sixteen of which proceeded to formal investigation.

Looking forward to the next fiscal year, we have a challenging year ahead. The most significant challenge is the new mandate given to the OIPC under the Bill 3 amendments to the *Freedom of Information and Protection of Privacy Act*. The amendments to FIPPA require that the OIPC undertake four significant and new tasks. The OIPC does not currently have the resources to fulfill any part of this new mandate. The new mandate includes:

- Reviewing and commenting on privacy impact assessments respecting all common or integrated programs or activities or data-linking initiatives (s. 69(5.2) of FIPPA);
- Providing expert advice on the development of an information-sharing code of practice (new s. 69(9) of FIPPA);
- Providing expert advice on the development of regulations relating to collection of personal information based on consent (s. 76(2.1)(a) of FIPPA) and,
- Providing expert advice on the development of regulations respecting how data sharing initiatives must be carried out (s. 76(2.1)(b) of FIPPA).

In addition to these new responsibilities provided to my office under Bill 3, I must also engage in discussions about data linking rules that are necessary for the health sector. Bill 3 specifically carves the health sector out of the new rules that other public bodies must comply with. Most significantly, the health sector is not required to complete a PIA before data linking personal health information. It is very important that rules be established for the health sector to ensure there is not a lower standard for personal health information. The ministries of Labour, Citizen's Services and Open Government and Health have committed to discussing development of rules appropriate to protecting personal health information within the health sector. It is critical that this work begin immediately.

The amendments to FIPPA are attracting interest around the world because they take a new and innovative approach to protecting privacy while allowing for the delivery of Gov 2.0. British Columbians are relying on my office to ensure that privacy is built in to each and every one of these new initiatives. Public bodies are relying on my office to help guide them to accomplish these significant tasks.

November 17, 2011

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia

*Office of the Information and Privacy Commissioner
Office of the Registrar of Lobbyists*

Vision

- A community where privacy is valued, respected and upheld in the public and private sectors;
- A community where access to information rights are understood and robustly exercised;
- A community where public agencies are open and accountable to the citizenry they serve; and
- A community where lobbying is understood, respected, and transparent.

Mandate

Under FIPPA and PIPA, the mandate of the Office of the Information and Privacy Commissioner ("OIPC") is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and the protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations; and
- Educate and inform the public about access and privacy rights.

Under the Lobbyists Registration Act ("LRA"), the mandate of the Office of the Registrar of Lobbyists ("ORL") is to:

- 1) Promote awareness among lobbyists of registration requirements;
- 2) Promote awareness among the public of the existence of the lobbyists registry;
- 3) Manage registrations submitted to the lobbyists registry;
- 4) Monitor and enforce compliance with the Lobbyists Registration Act.

Who we serve

Under FIPPA, PIPA, and the LRA, the Office serves:

- the information and privacy rights of citizens and consumers; and
- the Legislative Assembly of British Columbia.

How we do our work

The OIPC mediates and investigates access to information appeals and privacy complaints, conducts audits, delivers public education, reviews and comments on the privacy or access implications of legislation, programs or systems, conducts formal hearings and issues binding orders.

The Office of the Registrar of Lobbyists for British Columbia ("ORL") is responsible for monitoring and enforcing compliance with BC's *Lobbyists Registration Act* ("LRA") and associated regulations. The ORL addresses concerns about the integrity of government decision making, in that it provides a public record of who is or has attempted to influence government decisions.

The ORL manages compliance through an interrelated spectrum of compliance strategies, including, in descending order, incentives, education and outreach to lobbyists and public office holders, verification of registration information, environmental scanning, reporting, investigation and administrative penalties, evaluation and adjustment. Each element of this strategy reinforces the others to achieve the objective of the Act, specifically enhancing transparency, accountability and integrity in lobbying.



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, Strategies and Performance Measures

Goal 1—An Open and Accountable Public Sector

The goal of FIPPA is to ensure public bodies are accountable to the citizenry. It does so by giving the public a right to request records in the custody and control of public bodies and requires those public bodies to respond to access requests openly, accurately and without delay. Last year I indicated that my first priority was to encourage government ministries and other public bodies to consider ways to make information available, in a timely fashion, without a formal access to information request through proactive disclosure. I am pleased to report that there have been significant improvements both in the area of timely response to access requests as illustrated in the table below, and in the area of proactive disclosure.

In an investigation report dated May 16, 2011 I provided guidance on proactive release strategies for all public bodies¹. Shortly thereafter, the provincial government published its Open Information and Open Data Policy² and launched its Open Information³ and Open Data⁴ websites. On October 4, 2011 government introduced Bill 3 – *Freedom of Information and Protection of Privacy Amendment Act, 2011*. Included in the amendments were changes to s. 71 of FIPPA. The new provisions require the head of each public body to establish categories of records that must be made available to the public without a request.

¹ Order F11-02: http://www.oipc.bc.ca/orders/investigation_reports/InvestigationReportF11-02.pdf

² Open Information & Open Date Policy: http://www.cio.gov.bc.ca/local/cio/kis/pdfs/open_data.pdf

³ Open Information website: <http://www.openinfo.gov.bc.ca/>

⁴ Open Data website: <http://www.data.gov.bc.ca/>

Strategies

- In the past we have assessed how open and accountable the public sector is by evaluating response time to access requests. This year we intend to develop an access to information framework that provides guidance for public bodies on how to build a proactive disclosure and open data program.
- We intend to monitor the implementation of the new requirement that the head of each public body establish categories of records to be made available without request.

Performance Measure	2009/10 Final	2010/11 Target	2010/11 Final	2011/12 Target	2012/13 Target
1. Average processing days for all ministries (business days)	24	24	22	21	20
2. Percentage of access requests processed on time by all ministries	90%	90%	93%	94%	95%
Data Source: The data for 2009/10 final was obtained from the OIPC report, "It's About Time", released in August, 2010. The data for 2010/2011 final was obtained from the OIPC report, "Report Card on the Timeliness of Government's Access to Information Responses", released September 22, 2011.					

Goal 2—Protection of Privacy in Networked Systems and New Technologies

New technologies and networked systems present unique privacy challenges for government, businesses and regulators. They allow public bodies and organizations to gather, store and link extensive amounts of personal information. The technology can be complex, the security arrangements may be difficult to understand and organizations and government don't necessarily know how to properly use new technology in a manner that best protects personal information. However, citizens expect to interact with government and businesses using these same new technologies. The BC Government has continued to work towards its ambitious goal of "citizen centric services" which includes a plan to link its electronic networks which will result in increased collection, use and disclosure of personal information to a broader audience, inside and outside government.

In my budget submission last year I indicated that my plan was to address these issues in part by redirecting energy into investigations of systemic issues, audits and special reports, recommending best practices and developing guidelines that will allow governments and the private sector to fully avail themselves to new technologies while

protecting privacy at the same time. As a result of the funding decisions made last year I was able to hire a full time senior technical investigator who has helped us to investigate a number of systemic issues relating to new technologies.

In the past 12 months my office issued Guidance on Social Media Background Checks and we issued an investigation report into a privacy breach involving an online gaming platform. That report set standards for reasonable security when government delivers services online. This spring we launched a security self assessment tool that was developed in cooperation with the Office of the Information and Privacy Commissioner of Alberta and the Privacy Commissioner of Canada. This tool assists small and medium sized businesses to evaluate the quality of the security arrangements. We anticipate releasing two further investigation reports in the next few months regarding the privacy implications of smart meters and facial recognition technology.

Strategies

- In order to fulfill our new mandate under Bill 3 our strategies for the next year will include:
 - Provide input on the Information Sharing Code of Practice development by the Minister of Labour, Citizens' Services and Open Government;
 - Provide input on regulations under FIPPA related to data sharing and data-linking;
 - Develop privacy impact assessment guidelines for data linking and data sharing projects;
 - Educate public bodies on the guidelines and our expectations with respect to privacy impact assessments;
 - Provide input on the establishment of an Advisory Committee relating to identity management; and,
 - Review, comment on and monitor the privacy and security implications related to the provincial identity management system.
 - Review , comment on and monitor the privacy and security implications related to the CareCard project
- It is very significant that the Bill 3 rules relating to data sharing and data linking do not apply to the health sector. It is extremely important that work begin immediately to develop rules that meet the unique needs within the sector. This year our strategies in the health sector will include:
 - Engage in consultations with the Ministry of Health, and health sector stakeholders on data-linking rules specific to the health sector;

- Monitor the Provincial Electronic Health Record project and,
 - Audit an electronic health record information system.
- The OIPC will continue to engage in cross-jurisdictional investigations of private sector privacy complaints and breaches. The advantage of cross-jurisdictional investigations is that the resulting findings and recommendations may have a more widespread influence and can better promote consistency of interpretation and compliance across jurisdictions. In support of these investigations, we will work with our federal and provincial colleagues to develop an investigation protocol.

Performance Measure	2009/10 Total	2010/11 Total	2011/12 Target	2012/13 Target	2013/14 Target
3. Percentage of OIPC post-investigation recommendations implemented by affected public bodies and organizations	92%	98%	95%	95%	95%
Data Source: As part of the OIPC investigation process, OIPC investigators ascertain compliance with recommendations at the conclusion of each investigation and record them in the case file. The data is for all resolved privacy complaint and privacy breach files closed during the identified time period.					

Goal 3—Increase Awareness of Privacy Rights and Responsibilities

My office has the responsibility to educate the public about PIPA and FIPPA. Last year I highlighted my intention to focus significantly more energy on my public education duties. We have attempted to satisfy this duty using a variety of strategies including op/ed pieces in local papers, presentations to large groups and organizations, delivery of conferences and creation of guidance documents.

In 2011/12 we will deliver 66 presentations, reaching a significantly larger number of people (almost 5000) in comparison to previous years where we reached slightly more than 1000 individuals. More importantly, we have attempted to reach audiences of access and privacy professionals who will in turn, pass on the information we provide. We have so far organized 3 conferences this year. We organized two one-day conferences for access and privacy specialists in public bodies. In total 80 public bodies sent a total of 150 access and privacy specialists to this training. Further, with our colleagues at the Alberta Office of the Information and Privacy Commissioner, we organized the 6th annual PIPA Conference which sold out with over 200 attendees, most of whom were chief privacy officers for businesses operating in western Canada.

We have also worked diligently on creating a new OIPC website but due to some technical difficulties, we have not yet launched the new website.

Strategies

- Issue privacy impact assessment guidance suitable for public and private sector;
- Educate public bodies and organizations on how to conduct a privacy impact assessment;
- Promote strong privacy management frameworks within public bodies and organizations using guidance documents, op/ed pieces and educational seminars;
- Issue guidance to public bodies and organizations on the establishment of accountability privacy management framework;
- Educate the public about their rights under FIPPA and PIPA using guidance documents, OIPC website, newspaper articles and public speeches;
- Co-host a 7th annual PIPA conference; and,
- Co-host a Western Canadian Health Information Privacy Conference.

Performance Measure	2009/10 Total	2010/11 Total	2011/12 Total*	2012/13 Target	2013/14 Target
4. Number of OIPC presentations	59	46	66	75	80
*Current year total is estimated based on the presentations for the period April 1, 2011 through September 30, 2011					

Goal 4—Efficient and Effective OIPC Operations

Most of our efforts are dedicated to providing independent and binding oversight to the more than 1000 complaints and reviews we receive each year. Over the years we have tried a variety of strategies to streamline our process and improve our response times. Last year, I reported that we had a backlog of about 180 files. I identified four strategies in my service plan. We implemented these strategies over the last six months of 2010 and have continued to work at improving our efficiencies. Our backlog currently stands at under 100 files which is a significant improvement over last year.

We did not reach our performance targets for closing of requests for review within 90 business days nor for closing complaints within 120 business days in fiscal 2011. However, the statistics for the first six months of the 2011/2012 fiscal year suggest that we will certainly meet and likely exceed both targets this year.⁵

⁵ For the period April 1, 2011 to September 30, 2012 we have closed 57% of our requests for review within 90 business days and 76% of our complaints within 120 business days. We expect to receive roughly the same total number of complaints and reviews this year as last.

One of the key strategies we implemented was to develop a fair and streamlined process to determine whether an appeal or complaint has merit and whether a matter should proceed to a formal inquiry hearing. These strategies have taken some time to develop and implement and we believe part of the improvement in timing we are now seeing is attributable to that process. With the creation of the new policy unit in my office, investigators who previously did both policy and investigation work, have been able to focus all of their attention on complaint and review investigations. This has also improved the efficiency of these investigations.

Strategies

- In the next year we will complete the development of fair “gate keeping” criteria that can be used at an early stage to identify complaints and reviews that should not proceed through an investigation or mediation process.
- I will also continue the strategy of re-assigning and re-aligning resources as necessary to address high traffic areas. For example, where necessary, assign more existing resources to intake or early resolution and use temporary contracted services to fill any gaps in investigation. I intend to use a flexible & agile service delivery model to support all of the goals and strategies of the IPC. I will leverage other IPC offices resources, participate in joint projects where possible, use temporary contracted services for time limited projects and reassign IPC staff as necessary.

Performance Measure	2010/11 Target	2010/11 Total	2011/12 Target	2012/13 Target	2013/14 Target
5. Proportion of FIPPA and PIPA requests for review settled without inquiry	94%	92%	94%	95%	95%
6. Proportion of FIPPA and PIPA review files resolved within 90 business days	52%	48%	55%	55%	55%
7. Proportion of FIPPA and PIPA complaint files resolved within 120 business days	62%	55%	63%	64%	65%
8. Average number of orders and other decisions produced per adjudicator per year	20	20	22	24	26



SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

Goal 1—Provide education and outreach for lobbyists, public office holders and the public

The Office of the Registrar of Lobbyists ("ORL") recognizes that achieving province-wide compliance with the *Lobbyists Registration Act* ("LRA") depends first and foremost on ensuring that designated filers clearly understand what types of communications trigger the legal requirement to register, the registration process and where to receive further information about the LRA. Educating the public about the existence of and uses of the public lobbyist registry is critical to achieving the policy objective of transparency.

Strategies

- Develop and publish educational material for posting on the ORL website, including general guides, self-assessment, FAQs, advisory bulletins and newsletters.
- Develop and deliver province-wide compliance workshops targeted at government relations experts, consultant lobbyists, public relations and communications experts, and "organizations", which include non profit and industry associations, chambers of commerce, boards of trade, coalitions, special interest groups and labour organizations.
- Develop and deliver targeted workshops for public office holders.
- Develop and deliver targeted workshops and advisory materials for members of the public.
- Publish ORL newsletter, "Influencing BC" and circulate widely.
- Manage and keep current the Office of the Registrar of Lobbyists website: www.lobbyistsregistrar.bc.ca
- Publish monthly summaries of registered lobbying activities in the province.

Performance Measures – Goal 1

	2011/12 Target	2011/12 Actual	2012/13 Target	2013/14 Target	2014/15 Target
New educational material developed and posted on website and distributed to the lobbyist community.	15	19	6	6	6
Workshops for lobbyists on LRA requirements	4	5	4	4	4
Workshops for public office holders on the LRA	2	2	2	2	2
Workshops for the public on the LRA	2	2	2	2	2
Publication of Influencing BC – an E-zine on lobbyists, lobbying, and transparency in public influence	3	3	3	3	3
Number of speaking engagements for the Deputy Registrar of Lobbyists	5	5	5	5	5

Goal 2—Monitor and Enforce the *Lobbyists Registration Act*

The ORL employs several strategies to monitor and enforce the LRA: verification of registration information, environmental scanning, investigation and administrative penalties.

Strategies

- Analyze a variety of publicly available information sources to identify government priorities, organization priorities and possible unregistered lobbying.
- Work to enhance data integrity of registrations.
- Conduct preliminary and formal investigations as appropriate.
- Establish and maintain ongoing dialogue with stakeholder groups (including those who lobby, those who employ lobbyists, and those who are lobbied) about hurdles to registration and compliance.

Performance Measures – Goal 2

	2011/12 Target	2011/12 Actual	2012/13 Target	2013/14 Target	2014/15 Target
Number of new registrations	Increase of 10%	Increase of 10%	Increase of 10%	Increase of 10%	Increase of 10%
Number of registrations received on time	85%	85%	90%	95%	95%
Conduct Environmental Scans	150	131	150	175	175
Conduct administrative reviews	15	43	50	60	60
Conduct compliance investigations	5	16	15	20	20
Meetings with stakeholders to identify compliance hurdles	2	2	2	2	2

Appendix 1—Caseload Statistics—OIPC

Files Received by File Type					
File Type	Fiscal 2007/08	Fiscal 2008/09	Fiscal 2009/10	Fiscal 2010/11	Fiscal 2011/12 Projected*
Appeals (requests for review)	693	629	562	538	528
Complaints	454	491	573	561	616
Requests for time extensions	352	277	382	352	242
Policy consultations	110	127	104	65	98
Review of bills	43	57	42	37	44
Speeches	58	74	59	47	78
Privacy breach reviews	68	80	71	65	86
Others**	459	564	564	534	639
Sub total	2237	2225	2176	2199	2331
General requests for information & assistance	1012	1003	1347	1343	960
Total all files	3249	3228	3658	3542	3291
*Data extrapolated from number of files received between April 1, 2011 and September 30, 2011					
** Other files types include media inquiries, conference attendance, copy only (FYI letters), projects					

Appendix 2—Office Structure— Office of the Information and Privacy Commissioner

